



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

B-19J

September 3, 2003

Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

Re: Docket No. AB-847 (Sub-No. 1X), *Toledo, Peoria & Western Railway Corporation-Discontinuance Exemption*,  
Docket No. AB-856 (Sub-No. 1X), *J.K. Line, Inc.-Abandonment Exemption*, and  
Docket No. AB-847 (Sub-No. 2X), *Toledo, Peoria & Western Railway Corporation-Discontinuance Exemption*,  
Docket No. AB-855 (Sub-No. 1X), *A & R Line, Inc.-Abandonment Exemption*

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) has reviewed the afore-mentioned documents dated July 10, 2003. The purpose of these documents was to notify relevant parties that a petition for exemption seeking authority to discontinue service and abandon specific rail lines was scheduled to be filed by July 30, 2003 with the Surface Transportation Board. Our comments in this letter are provided pursuant to NEPA, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Pursuant to our review of these documents, we feel that the issue of disposal of rails, crossties, etc. should be addressed with additional detail in the Environmental Assessment (EA) to be issued during September or October, 2003. In particular, we feel the transfer of rails, crossties, etc. to the trail user for milepost 198-199 and transfer of crossties for milepost 197-198 (AB-847, Sub-No. 1X and AB-856, Sub-No. 1X) poses questions regarding the trail user's planned use of rails, crossties, etc. (i.e., salvage/recycle or disposal in accordance with appropriate regulations).

Please provide specific information pertaining to removal and salvage methods. In particular, applicable environmental regulations for removal and ultimate disposal of rails and ballast should be listed. Also, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State (July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act).

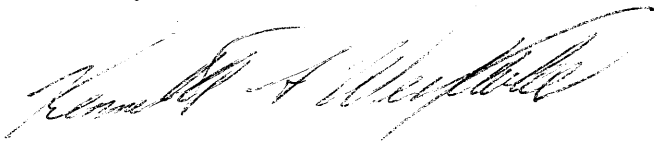
In addition, we request the following items be addressed in the EA:

- Procedures for storing and fueling of construction equipment in upland areas, away from water bodies, floodplains or other sensitive habitat;
- Procedures for the prevention and/or control of spills (i.e., fuels, lubricants or other pollutants) from construction equipment; and
- Soil erosion and stormwater runoff mitigation practices to be utilized during abandonment activities. In particular, consideration of whether all or portions of the right-of-way that the railway owns will be revegetated with native flora should be addressed. Long-term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife and improved aesthetics.

We appreciate the opportunity to comment on these Environmental Reports. Inclusion of the above information in the ER would satisfy routine questions from the EPA and facilitate a quicker review and approval process.

Please send copies of the Environmental Assessments to me when they are filed. Should you have any questions, please do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kenneth A. Westlake", written in a cursive style.

Kenneth A. Westlake, Chief  
Environmental Planning and Evaluation Branch

cc: Louis E. Gitomer, Esq.